

REMARKS

Claims 1-6 remain pending. Reconsideration is respectfully requested.

Claim 1 had previously been rejected under 35 USC §102(b) as anticipated by Steven (U.S. Patent No. 4,798,586). Independent claim 1 was amended to further emphasize the distinction between the tubular portion of the catheter shaft and other portions of the catheter such as a balloon that is attached to the tubular portion. The cited reference describes a catheter configuration wherein a tubular portion 10b of a catheter shaft supports near its distal tip a radiopaque marker 49 that is sandwiched between the tubular portion and the distal shaft of the balloon 11. Only the distal shaft section **of the balloon** appears to be expanded so as to accommodate the marker while the outer diameter of the tubular shaft 10b disposed thereunder remains constant until well proximal of the balloon. Since no reduction in diameter **proximal** to such expanded section of the tubular portion is shown, anticipation is clearly avoided. It is also to be noted that the configuration shown in the cited reference comprises the type of configuration which the present invention improves upon. As is set forth in the specification at page 1, lines 24-27, even a tapering of the distal edge of a balloon shaft (as per FIG 5 of the cited reference) can cause intimal injury. Because the expansion of the balloon shaft (in order to accommodate the marker) does not address such problem, it is respectfully submitted that an expansion of the catheter shaft's tubular portion rather than expansion of a balloon's distal shaft portion cannot reasonably be considered obvious.

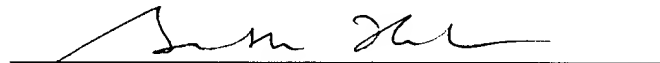
Claims 2-6 had previously been rejected under 35 USC §103(a) as obvious over Stevens or Dustrude et al. (U.S. Patent No. 5,911,752). In light of the non-obviousness of the underlying independent claim as set forth above, it is respectfully submitted that any claim depending therefrom similarly avoids obviousness.

In light of the above amendments and remarks, applicant earnestly believes the application to now be in condition for allowance and respectfully requests that it be passed to issue.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By:



Gunther O. Hanke

Registration No. 32,989

GOH:psm

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201
35801.1